EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-2188-MWD-E **TCEQ ID:** RN102314432 **CASE NO.:** 31854

RESPONDENT NAME: Texas Department of Criminal Justice

ORDER TYPE:							
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING					
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER					
_AMENDED ORDEREMERGENCY ORDER							
CASE TYPE:							
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE					
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION					
X WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL					
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION					
SMALL BUSINESS: YesXNo OTHER SIGNIFICANT MATTERS: There are location. INTERESTED PARTIES: No one other than the COMMENTS RECEIVED: The Texas Register CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: M. Lopez, Enforcement Coordinator: M. Lopez, Enforcement Division, MC 219 Respondent: Mr. Charles Marsh, Chie Mr. Frank Inmon, Director, Facilities I. Mr. Howard Gray, Environmental Spec 99, Huntsville, Texas 77342-0099	OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location. INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter. COMMENTS RECEIVED: The Texas Register comment period expired on May 28, 2007. No comments were received. CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Ms. Laurie Eaves, Enforcement Division, Enforcement Team I, MC 169, (512) 239-4495; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 Respondent: Mr. Charles Marsh, Chief Financial Officer, Texas Department of Criminal Justice, P.O. Box 4011, Huntsville, Texas 77342 Mr. Frank Inmon, Director, Facilities Division, Texas Department of Criminal Justice, P.O. Box 4011, Huntsville, Texas 77342 Mr. Howard Gray, Environmental Specialist IV, Engineering/Environmental, Wastewater, Texas Department of Criminal Justice, P.O. Box						

RESPONDENT NAME: Texas Department of Criminal Justice **DOCKET NO.:** 2006-2188-MWD-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION PENALTY CONSIDERATIONS CORRECTIVE ACTIONS TAKEN/REQUIRED Type of Investigation: Total Assessed: \$40,280 **Corrective Actions Taken:** Complaint X Routine 1) The Executive Director recognizes that TDCJ Total Deferred: \$8.056 Enforcement Follow-up X Expedited Settlement has implemented the following corrective X Records Review measures at the Facility: Financial Inability to Pay Date(s) of Complaints Relating to this Case: a. On August 8, 2006, ordered a new bar screen for installation at the Facility; SEP Conditional Offset: \$32,224 b. On November 5, 2006, removed the sludge **Dates of Investigations Relating to this Case:** Total Paid (Due) to General Revenue: \$0 from the chlorine contact basins; November 1 and 3, 2006 **Site Compliance History Classification** c. On November 10, 2006, employed a certified Dates of NOEs Relating to this Case: November High X Average Poor wastewater operator holding a category B license; 16 and December 12, 2006 (NOEs) **Person Compliance History Classification** d. On December 1, 2006, submitted the Background Facts: These were routine High X Average Poor investigations. Four violations were documented. noncompliance report for the month of September Major Source: X Yes No 2006; WATER e. On December 21, 2006, clarifier no. 3 was Applicable Penalty Policy: September 2002 rehabilitated and brought online; 1) Failed to comply with permitted effluent limitations [Tex. WATER CODE § 26.121(a), 30 Tex. ADMIN. CODE § 305.125(1), and Texas f. On January 23, 2007, installed the four repaired oxidation rotors; and Pollutant Discharge Elimination System ("TPDES") Permit No. 11180002, Effluent g. On January 24, 2007, submitted the Limitations and Monitoring Requirements Nos. 1, noncompliance report for the month of December 2 and 61. 2) Failed to at all times properly operate and Ordering Provisions: maintain all facilities and systems of treatment and control (and related appurtenances) installed 2) The Order will require the Respondent to or used by the permittee to achieve compliance with permit conditions. Specifically, four of ten implement and complete a Supplemental Environmental Project (SEP). (See SEP oxidation ditch rotors, two of three clarifiers and Attachment A) the mechanical screw barscreen were inoperable. chlorine contact basin no. 1 contained 1.5 feet of sludge in 7 feet of water and chlorine contact 3) The Order will also require the Respondent to: basin no. 2 contained 4 inches of sludge in 7 feet of water [30 Tex. ADMIN. CODE § 305.125(1) and a. Within 60 days after the effective date of this Agreed Order, submit documentation that all TPDES Permit No. 11180002, Operational clarifiers and all bar screens are operational and Requirements No. 1]. in service at the Facility; 3) Failed to timely submit noncompliance reports to the TCEO in writing within five working days b. Within 120 days after the effective date of this Agreed Order, achieve compliance with the of becoming aware of any effluent violation permitted effluent limits contained in TPDES which deviates from the permitted effluent limitation by more than 40%. Specifically, failed Permit No. 11180002; and to submit noncompliance reports for the months of December 2005 and September 2006 [30 Tex. c. Within 135 days after the effective date of this Agreed Order, submit written certification and ADMIN. CODE § 305.125(1) and TPDES Permit include detailed supporting documentation No. 11180002, Monitoring and Reporting including photographs, receipts, and/or other Requirements No. 7(c)]. records to demonstrate compliance with Ordering Provision Nos. 3.a. and 3.b.

RESPONDENT NAME: Texas Department of Criminal Justice **DOCKET NO.:** 2006-2188-MWD-E

Page 3 of 3

4) Failed to employ a wastewater operator holding a category B license or higher from September 1 through November 9, 2006. Specifically, the certified operator onsite held a category C license [30 Tex. Admin. Code § 30.331(b) and 30.350(d), and TPDES Permit No. 11180002, Other Requirements No. 1].	

Attachment A Docket Number: 2006-2188-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Texas Department of Criminal Justice

Payable Penalty Amount: Thirty-Two Thousand Two Hundred Twenty-Four Dollars

(\$32,224)

SEP Amount: Thirty-Two Thousand Two Hundred Twenty-Four Dollars

(\$32,224)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and Development

Areas, Inc. ("RC&D")- Unauthorized Trash Dump Clean-Up

Location of SEP: Walker County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to coordinate with city and/or county governmental officials regarding the clean up of sites where trash has been disposed of illegally. Eligible sites will be limited to those where a responsible party can not be identified and where there is no pre-existing obligation to clean up the site by the owner or the government. Additionally, reasonable efforts must have already been taken to prevent the dumping. SEP monies will be used to pay for the direct cost of collection and disposal of debris. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by helping rid communities of the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects.

Applied State
 Applied State

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C. <u>Minimum Expenditure</u>

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc. 1716 Briarcrest Drive Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division Attention: SEP Coordinator, MC 219 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality Financial Administration Division, Revenues Attention: Cashier, MC 214 P.O. Box 13088 Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

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Texas Department of Criminal Justice Agreed Order - Attachment A

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

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TCEQ

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 17, 2006

\$32,224

CEQ		
DATES	Assigne	d 20-Nov-200

CW 1-Dec-2006 Screening 21-Nov-2006

EPA Due 5-Dec-2006

***************************************	9			
RESPONDENT/FACILITY				
	Texas Department of Criminal Justice			
Reg. Ent. Ref. No.				
Facility/Site Region	12-Houston	Major/Minor Source	Major	
CASE INFORMATION				
Enf./Case ID No.	31854	No. of Violations	4	
Docket No.	2006-2188-MWD-E	Order Type		
Media Program(s)		Enf. Coordinator		
Multi-Media		EC's Team	EnforcementTeam 1	
Admin. Penalty \$	Limit Minimum \$0 Maximum	\$10,000		
	Penalty Calculation	ation Section		
TOTAL DASE DENAL	_TY (Sum of violation base penalti		Subtotal 1	\$15,200
TOTAL DASE FENAL	11 (Sum of violation base penalti	(e3)	Subtotal	Ψ10,200
ADJUSTMENTS (+/-)	TO SUBTOTAL 1			
Subtotals 2-7 are obtai	ined by multiplying the Total Base Penalty (Subtotal 1) b	by the indicated percentage.	I	
Compliance Hist	ory 125%	6 Enhancement Sub	totals 2, 3, & 7	\$19,000
	The Respondent self-reported 14 months	of effluent quality violations		
Notes	and was issued 11 written NOVs for s			
			<u></u>	
Culpability	No 0%	6 Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the	ne culpability criteria.	•	
			<u> </u>	
Good Faith Effor	rt to Comply 0%	√₀ Reduction	Subtotal 5	\$0
	Before NOV NOV to EDPRP/Settlement Offe	er		
Extraordinary				
Ordinary N/A				
N/P	A X (mark with x)			
Notes	The Respondent does not meet to	he good faith criteria.		
			2	
	50°	% Enhancement*	Subtotal 6	\$7,600
	Total EB Amounts \$51,748 *Cappe	ed at the Total EB \$ Amount		
Approx.	. Cost of Compliance \$632,874			
OUR OF GUDTOTAL	0.17		Final Subtotal	\$41,800
SUM OF SUBTOTAL	.5 1-7		Fillal Subiolal	Ψ-1,000
OTHER EXCTORS A	AS JUSTICE MAY REQUIRE	-4%	Adjustment	-\$1,520
OTHER FACIORS A	3 303 HOL WAT REGOIRE	- /0	Adjustment	+ -,
000000	Recommended reduction to prevent d	ouble-enhancement of the		
Notes	penalty for same or similar violations to			
		Final Pe	enalty Amount	\$40,280
STATUTORY LIMIT	ADJUSTMENT	Final Ass	essed Penalty	\$40,280
	201-201-201-201-201-201-201-201-201-201-			
DEFERRAL		20% Reduction	Adjustment	-\$8,056
	enalty by the indicted percentage. (Enter number only;	e.g. 20 for 20% reduction.)		
Notes	Deferral offered for expedi	ited settlement.		
1	- P - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1		-1	

Screening Date 21-Nov-2006

Docket No. 2006-2188-MWD-E

PCW

Policy Revision 2 (September 2002) PCW Revision November 17, 2006

Respondent Texas Department of Criminal Justice

Case ID No. 31854

Reg. Ent. Reference No. RN102314432 Media [Statute] Water Quality Enf. Coordinator Laurie Eaves

	Compliance History Worksheet			Decree yes as
control returns to the second control returns to the control returns	ry Site Enhancement (Subtotal 2) Number of	Enter Number Here	Adjust.	
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	25	125%	
	Other written NOVs	0	0%	
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0 ,	0%	
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0/11/41/	. 0%	
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%	
and Consen Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%	1 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%	
Emissions	Chronic excessive emissions events (number of events)	0	0%	
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%	
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%	
	Plea	se Enter Yes or No	Mark St.	
	Environmental management systems in place for one year or more	No	0%	
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%	
0 0 101	Participation in a voluntary pollution reduction program	No	0%	
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%	
	Adjustment P	ercentage (Su	ıbtotal 2)	125
Repeat Violator (S	ubtotal 3)			
N	o Adjustment P	ercentage (Su	ibtotal 3)	09
Compliance Histo	y Person Classification (Subtotal 7)			
Average I	Performer Adjustment P	ercentage (Su	ıbtotal 7)	0%
Compliance Histor	y Summary			
Compliance History Notes	The Respondent self-reported 14 months of effluent quality violations and was issued 11 wr same or similar violations,	itten NOVs for		
		1.44		

Respondent Texas Department of Criminal Justice Case ID No. 3 1954 Reg. Ent. Reference No. RN102314432 Media [Statute] Water Quality Enf. Coordinator Laufe Eaves Violation Number Rule Cite(s) Tax. Water Code § 26.12*(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. 11180002, Effluent Limitations and Monitoring Requirements Nos. 1, 2 and 6 Violation Description Falled to comply with permitted effluent limitations as detailed in the effluent chart, as documented by an investigation conducted on November 1, 2006 and a record review conducted on November 3, 2006. **Percent	PCW	4.00 to 2000 to 10.00	Screening Dat
Reg. Ent. Reference No. RN102314432 Media (Statute) Water Quality Enf. Coordinator Laurie Eaves Violation Number Ruie Cite(s) Tex. Water Code § 26,121(a), 30 Tex. Admin. Code § 395,125(1), and TPDES Permit. No. 11150002, Effluent Limitations and Monitoring Requirements Nos. 1, 2 and 8 Violation Description Violation Description Failed to comply with permitted effluent limitations as detailed in the effluent chart, as documented by an investigation conducted on November 1, 2005 and a record review conducted on November 3, 2006. **Senvironmental, Property and Human Health Matrix Harm Release Major Moderate Minor OR Actual Potential **Percent 25% **Percent 0% **Programmatic Matrix Falsification Major Moderate Minor Percent 0% **A simplified model was utilized to evaluate the values for copper and flow to determine whether the discharged amounts of pollutants exceeded levels profective of human health or the environment. Chlorine and dissolved oxygen were also evaluated. The amounts discharged at the time of the violations were insignificant amounts of pollutants which did not exceed protective levels. **Violation Events** Number of Violation Events Number of Violation Events **Adjustment** Violation Base Penalty \$10,000 \$2,500 Violation Events Number of Violation Events **Adjustment** Violation Base Penalty \$10,000 \$2,500 Violation Events **Violation Base Penalty \$10,000 **Senting Sevents** Violation Base Penalty \$10,000		•	
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Violation Number Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 306.125(1), and TPDES Permit No. 111800002, Effluent Limitations and Monitoring Requirements Nos. 1, 2 and 6 Failed to comply with permitted effluent limitations as detailed in the effluent chart, as documented by an investigation conducated on November 1, 2006 and a record review conducted on November 3, 2006. Base Penalty S10,000 S2 Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Actual Potential Percent 25% >>Programmatic Matrix Falsification Major Moderate Minor Percent 0% A simplified model was utilized to evaluate the values for copper and flow to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Chiorine and dissolved oxygen were also evaluated. The amounts discharged at the time of the violations were insignificant amounts of pollutants which did not exceed protective levels. Violation Events Number of Violation Events 4 124 Number of violation days Violation Base Penalty \$10,000 \$2,500	***************************************		
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with an x semiannual annual single event		monthly	
annual single event	\$10,000		
			William
Four quarterly events are recommended.	÷	single event	
Four quarterly events are recommended.			
		Four quarterly events are recommended.	
Economic Benefit (EB) for this violation Statutory Limit Test		his violation Statutory Limit Test	onomic Benefit (EB) for
Estimated EB Amount \$0 Violation Final Penalty Total \$26,50	\$26,500	ed EB Amount \$0 Violation Final Penalty Total	Estima
This violation Final Assessed Penalty (adjusted for limits) \$26,50	\$26,500	This violation Final Assessed Penalty (adjusted for limits)	

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		ent of Criminal Just	ce				
Case ID No.							
Reg. Ent. Reference No.					1 1875	p	
	Water Quality					Percent Interest	Years of
Violation No.	1						Depreciation
						5.0	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
ltem Description	No commas or \$						
,							
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$O
Other (as needed)				0,0	\$0	\$0	\$0
Engineering/construction				0,0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$ 0
Record Keeping System				0,0	\$0	n/a	\$ 0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0,0	\$0 \$0	n/a	\$0
Other (as needed)	l	L		0,0	1 50	n/a	\$0
Notes for DELAYED costs		DAID SE MAN COLUMN		/iolation		11 11 11	
Avoided Costs	ANN	UALIZE [1] avoided	i costs before e		so	one-time avoided	
Disposal				0,0		\$0	
							\$0 80
Personnel				0.0	\$0 \$0	\$0	\$ 0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0 \$0
Inspection/Reporting/Sampling Supplies/equipment				0.0 0.0	\$0 \$0	\$0 \$0	\$0 \$0 \$0
Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0.0 0.0 0.0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0 \$0
Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0.0 0.0	\$0 \$0	\$0 \$0	\$0 \$0 \$0
Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]				0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)				0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]				0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)				0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)				0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed) Notes for AVOIDED costs				0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		\$0		0,0 0,0 0,0 0,0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0

OG	reening Date	21-Nov-2006	- 1	שטכ	ket No. 2006-2188-MWD-E		PCW
	Respondent	Texas Departme	ent of Crimin	al Justice		Policy Revision	2 (September 2002)
	Case ID No.	31854				PCW Revision	November 17, 2006
Reg. Ent. R	eference No.	RN102314432					
Me	dia [Statute]	Water Quality					
Enf.	Coordinator	Laurie Eaves					
Vio	olation Number				-	-	
	Rule Cite(s)	30 Tex. Adm	in. Code § 3	305.125(1) and TF Requireme	PDES Permit No. 11180002, O ents No. 1	perational	
Violati	ion Description	and control (ar compliance with three clarifiers basin no. 1 con	nd related ap h permit cor and the me tained 1.5 fe inches of sl	ppurtenances) ins nditions. Specifica chanical screw b eet of sludge in 7	aintain all facilities and systems stalled or used by the permittee ally, four of ten oxidation ditch r arscreen were inoperable, chlo feet of water and chlorine cont water, as documented by an in vember 1, 2006.	e to achieve otors, two of rine contact act basin no.	
					E	Base Penalty	\$10,000
> Environment	al, Property a	ınd Human H	*******	rix			
	Release	Major	Harm Moderate	Minor			
OR	Actual		Moderate	WING			
	Potential		х		Percent 25	%	
		L				······································	
>Programmatic	c Matrix						
	Falsification	Major	Moderate	Minor			
					Percent 0	<u>%</u>	
	[
Matrix	Human hea	lth or the environ	ment will or	could be expose	d to significant amounts of polli	utants which	
Notes				ot exceed protect			
					Adjustment	\$7,500	
					Adjustine ite	<u> </u>	
			•				\$2,50
iolation Events	\$						
	Nivesbar of Vi	olotion Evente			21 Number of violation	dave	
	Number of Vi	olation Events	I I		21 INUITIBELOT VIOLATION	days	
		daily					
		monthly					
	mark only one	quarterly	X		Violation	Base Penalty	\$2,50
	with an x	semiannual				A	
		annual					
		single event					
	r						
	One quarte	erly event is reco		om the investigat g date on Novemi	tion date on November 1, 2006 ber 21, 2006.	through the	
• •	EL (ED) (O4-40-4-1-1-1-1	Toot	
Economic Bene		_		ME4 704	Statutory Limit		#C C
	Estimate	ed EB Amount		\$51,721	Violation Final	renaity lotai	\$6,62
				This violation Fi	inal Assessed Penalty (adjust	ted for limits)	\$6,62
					, , , , , , , , , , , , , , , , , , , ,	,,	

	E	conomic E	Benefit W	orks	heet		
		ent of Criminal Just	lice				
Case ID No	. 31854					territoria de la compansión de la compan	
Reg. Ent. Reference No	RN102314432				2.0		and the second
Media	Water Quality					Doggood Interest	Years of
Violation No					4. 6.4	Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description							
tem bescription	I NO COMMAS OF S	and the second second					
Delayed Costs	•		Li - v				
Equipment	,		Sec.	0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0,0	\$0	\$0.	\$0
Land				0,0	\$0	n/a	\$0
Record Keeping System	XXX-X-X-X-X-X-X-X-X-X-X-X-X-X	White San or his output, it is a	1.00	0.0	\$0	n/a	\$0
Training/Sampling	otopickej je otopicektej (564	000.00.000000000000000	Tomas alderesia, estimatione too	0,0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$630,324	1-Dec-2005	23-Jul-2007	1.6	\$51,721	n/a	\$51,721
						repair of the rotors a	
Notes for DELAYED costs			ance, Final Date	is the ant	licipated date of o	compliance.	
Avoided Costs		noncompli	ance, Final Date	is the ant	licipated date of o	compliance. one-time avoided c	osts)
Avoided Costs Disposal		noncompli	ance, Final Date	ntering I	licipated date of o tem (except for \$0	compliance. one-time avoided c	osts) \$0
Avoided Costs Disposal Personnel		noncompli	ance, Final Date	ntering I	tem (except for \$0 \$0	compliance. one-time avoided c \$0	osts) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		noncompli	ance, Final Date	ntering i	tem (except for \$0 \$0 \$0	compliance. one-time avoided compliance \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		noncompli	ance, Final Date	ntering I 0.0 0.0 0.0 0.0 0.0	tem (except for \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided o	osts) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		noncompli	ance, Final Date	ntering 0.0 0.0 0.0 0.0 0.0 0.0	Idelpated date of a tem (except for \$0 \$0 \$0 \$0 \$0	compliance. SO 144 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		noncompli	ance, Final Date	ntering I 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	Idelpated date of center (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	compliance. cone-time avoided of \$0 is \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		noncompli	ance, Final Date	ntering 0.0 0.0 0.0 0.0 0.0 0.0	Idelpated date of a tem (except for \$0 \$0 \$0 \$0 \$0	compliance. SO 144 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		noncompli	ance, Final Date	ntering I 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	Idelpated date of center (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	compliance. cone-time avoided of \$0 is \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		noncompli	ance, Final Date	ntering I 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	Idelpated date of center (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	compliance. cone-time avoided of \$0 is \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		noncompli	ance, Final Date	ntering I 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	Idelpated date of center (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	compliance. cone-time avoided of \$0 is \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		noncompli	ance, Final Date	ntering I 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	Idelpated date of center (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	compliance. one-time avoided of \$0 16.7 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		noncompli	ance, Final Date	ntering I 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	Idelpated date of center (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	compliance. cone-time avoided of \$0 is \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

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Screenii	ng Date 21-Nov-2006	Docket N	o. 2006-2188-MWD-E	PCW
	ondent Texas Department of C	riminal Justice	•	rision 2 (September 2002)
	PID No. 31854		PCW Ret	vision November 17, 2006
	nce No. RN102314432			
	Statute] Water Quality dinator Laurie Eaves			
1977 / 1999 Michiel Compressioned evaluations (4)	Number 3			***************************************
		§ 305.125(1) and TPDES Pe	rmit No. 11180002, Monitoring and	***************************************
		Reporting Requirements	No. 7(c)	***************************************
Violation De	days of becoming a effluent limitation b reports for the month.	ware of any effluent violation y more than 40%. Specificall	e TCEQ in writing within five working which deviates from the permitted y, failed to submit noncompliance tember 2006, as documented by an vember 1, 2006.	
			Base Penalty	\$10,000
>> Environmental. Pr	operty and Human Health	Matrix		deconstruction of the second o
	Harn	1		***************************************
OR	Release Major Modera	ate Minor		
OR	Potential		Percent 0%	
			•	
>>Programmatic Mat				
Fa	Isification Major Modera		Percent 1%	
		X	170	
Matrix Notes	Less tha	n 30% of the requirement was	s not met.	***************************************
Holes				
			Adjustment \$9,900	***************************************
			Aujustinent vo,000	
				\$100
Violation Events				
Violation Events				
Nur	mber of Violation Events 2	320	Number of violation days	
***************************************	daily monthly			
me	ark only one quarterly		Violation Base Penalty	\$200
	with an x semiannual	50000000000000000000000000000000000000		
	annual			
***************************************	single event x			
	Two single e	vents are recommended for th	ne two reports.	
Economic Benefit (E	B) for this violation		Statutory Limit Test	
	Estimated EB Amount	\$3	Violation Final Penalty Total	\$530
		This violeties Fine! As	sessed Penalty (adjusted for limits)	\$530
desir protesta de April III		inis violation Final As	sesseu Fenany (aujusteu ioi ilmits)	Ψ330

	E	conomic E	Benefit W	orks	heet		
		ent of Criminal Jus	lice '				
Case ID No.							'1
Reg. Ent. Reference No.							Years of
Violation No.	Water Quality				7	Percent Interest	Depreciation
, Violation No.	3					5.0	
			FI 15.	.,		5.0 Onetime Costs	15 EB Amount
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs		i di negita di S					
Delayed Costs Eguipment		ı I		l 0.0	\$0	\$0 I	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)		2332430316372437		0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land -			September School of a september 1	0,0	\$0	n/a	\$0
Record Keeping System				0,0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs	***			0.0	\$0 \$3	n/a	\$0
Other (as needed)	\$50	5-Jan-2006	24-Jan-2007	1.1	\$3	n/a	\$3
. Notes for DELAYED costs			due, Final Date	is the d	ate of compliance.	ate the December 2	
Avoided Costs	ANN	UALIZE [1] avoide	d costs before e			one-time avoided o	
Disposal				0.0	\$0 \$0	\$0	\$0
Personnel				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Inspection/Reporting/Sampling Supplies/equipment				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Financial Assurance [2]				0.0	\$0 \$0	\$0 \$0	\$O .
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$ 0
		1		1 919		•	
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$50			TOTAL		\$3

	ening Date 21-N		20.500.000.000.000.000.000.000.000.000.0	et No. 2006-2188-MWD-E	PCW
	espondent Texa	•	riminal Justice		Policy Revision 2 (September 2002)
38 O. BOHLER ST. T. S. ST. SERVERS TO SELECT MERCHANGES	ase ID No. 3185 erence No. RN10				PCW Revision November 17, 2006
	ia [Statute] Wate				
	oordinator Lauri				and the second s
Viola	ntion Number	4			
	Rule Cite(s) 30	Tex. Admin. Code	§ 30.331(b) and 30.35 Other Requiren	0(d), and TPDES Permit No. 11 nents No. 1	180002,
Violation	Sept	ember 1 through N	lovember 9, 2006. Spec	ling a category B license or high cifically, the certified operator on nvestigation conducted on Nove	site held a
				Bas	e Penalty \$10,000
>> Environmental	, Property and I	***************************************	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~		***************************************
	Release M	Harm Major Modera			***************************************
OR	Actual			-	
	Potential	X		Percent 25%	***************************************
>>Programmatic I	Matrix				***************************************
	***************************************	Major Modera	ite Minor		***************************************
				Percent 0%	
Matrix Notes	Human health or		rill or could be exposed uld not exceed protectiv		\$7,500
				Adjustment	\$2,500
					φ2,000
Violation Events					
	Number of Violatio	n Evente		69 Number of violation da	avs
	Number of violatio	II Events		raniber of violation ac	.,,,,
		daily			
	mark only one Q with an x ser	nonthly uarterly x miannual annual		Violation Ba	se Penalty \$2,500
400000000000000000000000000000000000000	sin	gle event			
	One quarterly ev	ent is recommende	ed for the period of none 9, 2006.	compliance from September 1 to	November
Economic Benefi	it (EB) for this v	iolation	- 17	Statutory Limit To	est
	Estimated EB	S Amount	\$24	Violation Final Pe	nalty Total \$6,625
***************************************		*	This visiation Fi-	al Assessed Penalty (adjusted	I for limits) \$6,625
			inis violation Fir	ai Assesseu Felially (aujusteu	10. iiiiica) ₁

	E	conomic E	3enefit W	orksi	heet		
		ent of Criminal Jus	tice	***************************************		1	
Case ID No.	31854						
Reg. Ent. Reference No.	RN102314432						
Media	Water Quality				2 * 1 *	B	Years of
Violation No.					46.5	Percent Interest	Depreciation
	. •					5.0	15
		5.5	e			and training of a common and a co	**************************
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
		g grife gase given i je	and the state of t				
Delayed Costs							
Equipment				0,0	\$0	\$0	\$0
Buildings		200		0,0	\$0	\$0	\$0
Other (as needed)				0,0	.\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land			2000 C.	0.0	\$0	n/a	\$0
Record Keeping System				0,0	\$0	n/a	\$0
Training/Sampling			2008.003.0000000000000000000000000000000	0.0	\$0	n/a	\$0
Remediation/Disposal	27.031.0000000000000000000000000000000000			0.0	\$0	n/a	\$0
Permit Costs	40.000		40.11	0.0	\$0	n/a	\$0
Other (as needed)	\$2,500	1-Sep-2006	10-Nov-2006	0.2	\$24	n/a	\$24
Notes for DELAYED costs		fference in cost pro ate Required is the				licensed operator fo	
A	ANINI	TALLIZE FAN SESSION	U 00 040 10 00 00 00				
Avoided Costs	ANN	JALIZE [1] avolde	d costs before e	ntering it	em (except for	one-time avoided c	osts)
Disposal	ANN	JALIZE [1] avolde	d costs before e	ntering it	em (except for	one-time avoided c	osts) \$0
Disposal Personnel	ANN	JALIZE [1] avolde	d costs before e	ntering it	em (except for \$0 \$0 \$0	one-time avoided c \$0 \$0	osts) \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling	ANN	JALIZE [1] avoide	d costs before e	0.0 0.0 0.0	em (except for 6 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN	JALIZE [1] avolde	d costs before e	0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	ANN	UALIZE [1] avoide	d costs before e	0.0 0.0 0.0	em (except for \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	ANN	UALIZE [1] avoide	d costs before e	0.0 0.0 0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	UALIZE [1] avoide	d costs before e	0.0 0.0 0.0 0.0 0.0 0.0 0.0	em (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	UALIZE [1] avoide	d costs before e	0.0 0.0 0.0 0.0 0.0 0.0 0.0	em (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$	s0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

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Texas Department of Criminal Justice RN102314432 Docket No. 2006-2188-MWD-E Violation Chart

Month /	Dissolved	Daily Average	Daily Maximum	Chlorine	Chlorine Limit
Date	Oxygen	Copper Limit =	Copper Limit =	Residual	After
	Minimum	0.042 mg/L	0.0893 mg/L	Minimum Grab =	Dechlorination
·	Limit = 5.0			1.0 mg/L	< 0.1 mg/L
	mg/L				
12/2005	, c	0.067	0.454	С	0.10
05/2006	С	c	С	С	1.7
06/2006	С	c	С	С	1.7
08/2006	4.1	c	c	С	c ·
11/01/2006					
Region	С	c	c	0.40	c
Documented					
Grab					
Sample		•			

mg/L = milligrams per liter

Compliance History

Customer/Respondent/Owner-Operator:

CN601550650

Texas Department of Criminal Justice

Classification: AVERAGE

Rating: 2.66

Regulated Entity:

RN102314432

TDCJ ESTELLE UNIT

Classification: AVERAGE

Site Rating: 2.61

ID Number(s):

INDUSTRIAL AND HAZARDOUS WASTE GENERATION SOLID WASTE REGISTRATION # (SWR) 83650

INDUSTRIAL AND HAZARDOUS WASTE GENERATION EPA ID TXR000068866

WASTEWATER PERMIT WQ0011180002 WASTEWATER PERMIT TPDES0092789 WASTEWATER PERMIT TX0092789

PUBLIC WATER SYSTEMSUPPLY REGISTRATION 2360067 AIR NEW SOURCE PERMITS ACCOUNT NUMBER WA0040C

AIR NEW SOURCE PERMITS PERMIT 50113

AIR NEW SOURCE PERMITS REGISTRATION 50113
AIR NEW SOURCE PERMITS REGISTRATION 53617
AIR NEW SOURCE PERMITS REGISTRATION 76583

PETROLEUM STORAGE TANK REGISTRATION REGISTRATION 48484

WATER LICENSING LICENSE 2360067

WASTEWATER LICENSING LICENSE WQ0011180002

IHW CORRECTIVE ACTION SOLID WASTE REGISTRATION # (SWR) 83650

Location:

264 FM RD 3478 RD, HUNTSVILLE, WALKER COUNTY, TX

Rating Date: September 01 06

Repeat Violator: NO

TCEQ Region:

REGION 12 - HOUSTON

Date Compliance History Prepared:

January 23, 2007

Agency Decision Requiring Compliance History:

Enforcement

Compliance Period:

January 23, 2002 to January 23, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name:

Laurie Eaves

Phone:

512/239-4495

Site Compliance History Components

- 1. Has the site been in existence and/or operation for the full five year compliance period? Yes
- 2. Has there been a (known) change in ownership of the site during the compliance period? No
- 3. If Yes, who is the current owner? N/A
- 4. if Yes, who was/were the prior owner(s)? N/A
- 5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site:

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 04/07/2005 (425315)

2 07/20/2005 (400284)

3 04/07/2005 (425316)

4 07/09/2003 (247461)

5 09/03/2003 (152902)

6 09/03/2004 (362236)

7 11/03/2004 (362237)

8 12/08/2005 (433947)

9 08/25/2004 (362238)

10 10/06/2006 (531053)

11 07/11/2006 (483250)

12 06/26/2002 (93974)

13 06/26/2002 (93975) 14 06/26/2002 (93976)

15 04/06/2006 (477873)

16 11/09/2005 (477874) 17 09/25/2006 (526640) 18 10/18/2006 (526641) 19 08/25/2006 (526642) 19 08/25/2006 (526642) 20 06/05/2003 (35599) 21 07/07/2005 (445883) 22 09/16/2005 (445884) 23 04/01/2005 (392444) 24 12/13/2006 (531386) 25 10/04/2004 (371170) 26 09/16/2005 (445885) 27 09/30/2005 (445886) 28 08/29/2005 (445887) 29 11/04/2005 (445888) 30 04/14/2003 (214679) 31 11/15/2002 (214678) 32 10/01/2002 (214676) 33 01/06/2003 (333100) 34 01/14/2003 (247460) 35 04/19/2006 (504298) 36 09/03/2002 (214674) 37 11/16/2006 (518401) 37 11/16/2006 (518401)
38 05/18/2006 (504299)
39 03/25/2004 (319190)
40 06/01/2006 (504300)
41 07/30/2002 (214672)
42 07/28/2004 (319191)
43 07/28/2004 (319193)
45 06/26/2003 (214670)
46 09/25/2003 (319194)
47 07/22/2002 (214669)
48 10/09/2003 (319195)
49 10/09/2003 (319196) 49 10/09/2003 (319196) 50 01/06/2004 (333101) 51 11/21/2003 (319197) 52 06/26/2003 (214667) 53 07/22/2002 (214666) 54 06/26/2003 (214664) 55 09/09/2004 (285638) 56 04/29/2002 (214663) 57 03/19/2003 (214661) 58 07/08/2004 (333102) 58 0//08/2004 (535102) 59 04/01/2002 (214660) 60 03/19/2003 (214658) 61 02/28/2002 (214657) 62 04/07/2005 (425312) 63 09/01/2006 (510534) 64 04/07/2005 (425313) 65 06/20/2005 (425314)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 07/09/2003 (247461) Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 08/31/2005 (445888) Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 10/06/2006 (531053)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Self Report? NO Classification: Moderate
Citation: 20 TAC Chapter 205. SubChapter F 205.125(1)

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 09/30/2005 (477874)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2006 (526640)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2006 (526641)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 07/19/2005 (400284)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: PERMIT IA

Description: Failure to properly maintain the chlorine contact basins.

Self Report? NO Classification: Minor Citation: 30 TAC Chapter 317 317.7(d)

Description: Failure to provide non-potable water signs, as required.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.8(1)

Ramt Prov: PERMIT IA

Description: Failure to submit the Discharge Monitoring Reports by the submittal due date and

to ensure that each of the DMRs are signed and dated by the principal executive

officer or by a person delegated to sign the DMRs.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

Ramt Prov. PERMIT IA

Description: Failure to adequately maintain discharge monitoring reports (DMRs) and records

of sludge analyses.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)

Description: Failure to provide a National Institute of Standards and Technology (NIST)

traceable thermometer for the composite sampler and to maintain the composite

sampler at 4 degrees C.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Ramt Prov: PERMIT IA

Description: Failure to properly maintain the wastewater treatment plant.

Date: 06/30/2005 (425314)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 04/01/2005 (392444)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) Description: NON-RPT VIOS FOR MONIT PER OR PIPE Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 10/04/2004 (371170)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 01/14/2003 (247460) Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Description: NON-RPT VIOS FOR MONIT PER OR PIPE Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Description: NON-RPT VIOS FOR MONIT PER OR PIPE Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Description: NON-RPT VIOS FOR MONIT PER OR PIPE Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Description: NON-RPT VIOS FOR MONIT PER OR PIPE Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Description: NON-RPT VIOS FOR MONIT PER OR PIPE Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
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Description: NON-RPT VIOS FOR MONIT PER OR PIPE Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE Description: NON-RPT VIOS FOR MODITIES CONTROLLED Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 09/02/2003 (152902)

Self Report? NO Classification: Moderate

Self Report? NO Classification: Moderate

Ramt Prov: OP IA

Description: The wastewater treatment plant effluent exceeded the permitted daily maximum chlorine residual concentration of 0.099 mg/L on April 6th, 8th, 9th, and 22nd of 2003.

Date: 01/06/2003 (333100) Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Description: NON-RPT VIOS FOR MONIT PER OR PIPE

30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305,125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 04/30/2005 (445885)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 01/06/2004 (333101)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305,125(1) 30 TAC Chapter 305, SubChapter F 305.125(17) Description: NON-RPT VIOS FOR MONIT PER OR PIPE Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17) Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 03/31/2002 (214663) Self Report? YES Classification: Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2005 (445886) Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2003 (214661) Self Report? YES Classification: Moderate Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 07/08/2004 (333102)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 07/31/2005 (445887)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2005 (425312) Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2005 (425313)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 06/05/2003 (35599)

Self Report? NO Classification: Moderate Rqmt Prov: OP IA

Description: The wastewater treatment plant effluent exceeded the permitted daily maximum

chlorine residual concentration of 0.099 mg/L on April 6th, 8th, 9th, and 22nd of

2003.

Date: 12/31/2005 Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2006

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§ .	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING TEXAS	§	TEXAS COMMISSION ON
DEPARTMENT OF CRIMINAL	§	
JUSTICE	§	
RN102314432	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2006-2188-MWD-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the Texas Department of Criminal Justice ("TDCJ") under the authority of Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and TDCJ appear before the Commission and together stipulate that:

- 1. TDCJ owns and operates a wastewater treatment facility located at 264 Farm-to-Market Road 3478, Huntsville, Walker County, Texas (the "Facility").
- 2. TDCJ has discharged wastewater into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
- 3. The Commission and TDCJ agree that the Commission has jurisdiction to enter this Agreed Order, and that TDCJ is subject to the Commission's jurisdiction.
- 4. TDCJ received notice of the violations alleged in Section II ("Allegations") on or about November 21 and December 17, 2006.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by TDCJ of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

- 6. An administrative penalty in the amount of Forty Thousand Two Hundred Eighty Dollars (\$40,280) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Thirty-Two Thousand Two Hundred Twenty-Four Dollars (\$32,224) shall be conditionally offset by TDCJ's completion of a Supplemental Environmental Project and Eight Thousand Fifty-Six Dollars (\$8,056) is deferred contingent upon TDCJ's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If TDCJ fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require TDCJ to pay all or part of the deferred penalty.
- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and TDCJ have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that TDCJ has implemented the following corrective measures at the Facility:
 - a. On August 8, 2006, ordered a new bar screen for installation at the Facility;
 - b. On November 5, 2006, removed the sludge from the chlorine contact basins;
 - c. On November 10, 2006, employed a certified wastewater operator holding a category B license;
 - d. On December 1, 2006, submitted the noncompliance report for the month of September 2006:
 - e. On December 21, 2006, clarifier no. 3 was rehabilitated and brought online;
 - f. On January 23, 2007, installed the four repaired oxidation rotors; and
 - g. On January 24, 2007, submitted the noncompliance report for the month of December 2005.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that TDCJ has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

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II. ALLEGATIONS

As owner and operator of the Facility, TDCJ is alleged to have:

1. Failed to comply with permitted effluent limitations as detailed in the effluent chart below, in violation of Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 11180002, Effluent Limitations and Monitoring Requirements Nos. 1, 2 and 6, as documented during an investigation conducted on November 1, 2006 and a record review conducted on November 3, 2006.

Month /	Dissolved	Daily Average	Daily Maximum	Chlorine Residual	Chlorine Limit
Date	Oxygen	Copper Limit =	Copper Limit =	Minimum Grab =	After
	Minimum	0.042 mg/L	0.0893 mg/L	1.0 mg/L	Dechlorination
· ·	Limit =				< 0.1 mg/L
	5.0 mg/L				
12/2005	С	0.067	0.454	С	0.10
05/2006	С	c	С	С	1.7
06/2006	c	С	С	С	1.7
08/2006	4.1	С	С	С	С
11/01/2006					
Region	c	c	c	0.40	С
Documented	. *				
Grab					
Sample					

mg/L = milligrams per liter

- 2. Failed to at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) installed or used by the permittee to achieve compliance with permit conditions, in violation of 30 Tex. ADMIN. CODE § 305.125(1) and TPDES Permit No. 11180002, Operational Requirements No. 1, as documented during an investigation conducted on November 1, 2006. Specifically, four of ten oxidation ditch rotors, two of three clarifiers and the mechanical screw barscreen were inoperable, chlorine contact basin no. 1 contained 1.5 feet of sludge in 7 feet of water and chlorine contact basin no. 2 contained 4 inches of sludge in 7 feet of water.
- 3. Failed to timely submit noncompliance reports to the TCEQ in writing within five working days of becoming aware of any effluent violation which deviates from the permitted effluent limitation by more than 40%, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 11180002, Monitoring and Reporting Requirements No. 7(c), as documented during an investigation conducted on November 1, 2006. Specifically, failed to submit noncompliance reports for the months of December 2005 and September 2006.

4. Failed to employ a wastewater operator holding a category B license or higher from September 1 through November 9, 2006, in violation of 30 Tex. ADMIN. CODE § 30.331(b) and 30.350(d), and TPDES Permit No. 11180002, Other Requirements No. 1, as documented during an investigation conducted on November 1, 2006. Specifically, the certified operator onsite held a category C license.

III. DENIALS

TDCJ generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that TDCJ pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and TDCJ's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Texas Department of Criminal Justice, Docket No. 2006-2188-MWD-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. TDCJ shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6, Thirty-Two Thousand Two Hundred Twenty-Four Dollars (\$32,224) of the assessed administrative penalty shall be offset with the condition that TDCJ implement the SEP defined in Attachment A, incorporated herein by reference. TDCJ's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
- 3. It is further ordered that TDCJ shall undertake the following technical requirements:
 - a. Within 60 days after the effective date of this Agreed Order, submit documentation that all clarifiers and all bar screens are operational and in service at the Facility;
 - b. Within 120 days after the effective date of this Agreed Order, achieve compliance with the permitted effluent limits contained in TPDES Permit No. 11180002; and
 - c. Within 135 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a. and 3.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager Houston Regional Office Texas Commission on Environmental Quality 5425 Polk Avenue, Suite H Houston, Texas 77023-1486

- 4. The provisions of this Agreed Order shall apply to and be binding upon TDCJ. TDCJ is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the operations referenced in this Agreed Order.
- 5. If TDCJ fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, TDCJ's failure to comply is not a violation of this Agreed Order. TDCJ shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. TDCJ shall notify the Executive Director within seven days after TDCJ becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by TDCJ shall be made in writing to the Executive Director. Extensions are not effective until TDCJ receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 7. This Agreed Order, issued by the Commission, shall not be admissible against TDCJ in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

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Texas Department of Criminal Justice DOCKET NO. 2006-2188-MWD-E Page 6

- 8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to TDCJ, or three days after the date on which the Commission mails notice of the Order to TDCJ, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	-	
Jole Szellin		7125/07
For the Executive Director	 ,	Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature The Month

vate •

Charles Marsh

<u>Chief Financial Officer</u>
Title

Name (Printed or typed) Authorized Representative of

Texas Department of Criminal Justice

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

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Attachment A Docket Number: 2006-2188-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: Texas Department of Criminal Justice

Payable Penalty Amount: Thirty-Two Thousand Two Hundred Twenty-Four Dollars

(\$32,224)

SEP Amount: Thirty-Two Thousand Two Hundred Twenty-Four Dollars

(\$32,224)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and Development

Areas, Inc. ("RC&D")- Unauthorized Trash Dump Clean-Up

Location of SEP: Walker County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to coordinate with city and/or county governmental officials regarding the clean up of sites where trash has been disposed of illegally. Eligible sites will be limited to those where a responsible party can not be identified and where there is no pre-existing obligation to clean up the site by the owner or the government. Additionally, reasonable efforts must have already been taken to prevent the dumping. SEP monies will be used to pay for the direct cost of collection and disposal of debris. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by helping rid communities of the dangers and health threats associated with non-regulated trash dumps which contaminate air and water, and harbor disease carrying animals and insects.

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C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc. 1716 Briarcrest Drive Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division Attention: SEP Coordinator, MC 219 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality Financial Administration Division, Revenues Attention: Cashier, MC 214 P.O. Box 13088 Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

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Texas Department of Criminal Justice Agreed Order - Attachment A

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

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